

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

**DROPLETS, INC.**

**Plaintiff,**

**v.**

**OVERSTOCK.COM, INC.,  
SEARS ROEBUCK & CO.,  
SEARS BRANDS LLC,  
SEARS HOLDINGS CORPORATION,**

**Defendants.**

**Civil Action No. 2:11-cv-00401-  
JRG**

**JURY TRIAL**

**VERDICT FORM**

In answering these questions, you are to follow all of the instructions I have given you in the Court's charge. As used herein, "Droplets" means Droplets Inc., "Overstock" means Overstock.com, Inc., and "Sears" refers to any of Sears Roebuck & Co., Sears Brands LLC, Sears Holdings Corporation, and Sears Holdings Corporation's wholly owned subsidiary Kmart. As used herein, "Defendants" means Sears and Overstock collectively. As used herein, "'745 Patent" means U.S. Patent No. 6,687,745; "'838 Patent" means U.S. Patent No. 7,502,838; and "'115 Patent" means U.S. Patent No. 8,402,115. As used herein, "patents-in-suit" refers, collectively, to the '745 Patent, '838 Patent, and '115 Patent.

**SECTION I. INFRINGEMENT**

**QUESTION 1:**

Did Droplets prove by a preponderance of the evidence that **Overstock** directly infringed the following asserted claims of the '745, '838, and '115 patents?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 Yes

**'838 Patent Claims**

Claim 1 Yes

Claim 2 Yes

**'115 Patent Claims**

Claim 2 Yes

Claim 24 Yes

Claim 25 Yes

**Please proceed to the next question**

**QUESTION 2:**

Did Droplets prove by a preponderance of the evidence that **Sears** directly infringed the following asserted claims of the '745, '838, and '115 patents?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 Yes

**'838 Patent Claims**

Claim 1 Yes

Claim 2 Yes

**'115 Patent Claims**

Claim 2 Yes

Claim 24 Yes

Claim 25 Yes

**Please proceed to the next page**

**QUESTION 3:**

Did Droplets prove by a preponderance of the evidence that **Overstock** indirectly infringed the following asserted claims of the '745, '838, and '115 patents?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 Yes

**'838 Patent Claims**

Claim 1 Yes

Claim 2 Yes

**'115 Patent Claims**

Claim 2 Yes

Claim 24 Yes

Claim 25 Yes

**Please proceed to the next page**

**QUESTION 4:**

Did Droplets prove by a preponderance of the evidence that Sears indirectly infringed the following asserted claims of the '745, '838, and '115 patents?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 Yes

**'838 Patent Claims**

Claim 1 Yes

Claim 2 Yes

**'115 Patent Claims**

Claim 2 Yes

Claim 24 Yes

Claim 25 Yes

**Please proceed to the next page**

NOTE: YOU MUST ANSWER EACH QUESTION IN THE FOLLOWING SECTION II REGARDLESS OF YOUR ANSWERS TO THE QUESTIONS IN SECTION I:

**SECTION II. VALIDITY**

**QUESTION 5:**

Do you find that Defendants have proven by clear and convincing evidence that any of the following claims are invalid because they are obvious?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 NO

**'838 Patent Claims**

Claim 1 NO

Claim 2 NO

**'115 Patent Claims**

Claim 2 NO

Claim 24 NO

Claim 25 NO

**Please proceed to the next question**

**QUESTION 6:**

Do you find that Defendants have proven by clear and convincing evidence that any of the following claims are invalid because they are anticipated?

**Answer YES or NO in the space provided beside each particular claim:**

**'745 Patent Claims**

Claim 1 NO

**'838 Patent Claims**

Claim 1 NO

Claim 2 NO

**'115 Patent Claims**

Claim 2 NO

Claim 24 NO

Claim 25 NO

**Please proceed to the next question**

NOTE: YOU MUST ANSWER EACH QUESTION IN THE FOLLOWING SECTION III REGARDLESS OF YOUR ANSWERS TO THE QUESTIONS IN SECTION I OR SECTION II:

**SECTION III. LICENSE**

**QUESTION 7:**

Did Defendants prove by a preponderance of the evidence that either Defendant has been granted a license to practice the patents-in-suit?

**Please answer YES or NO in in the space provided below.**

Overstock

NO

Sears

NO

**Please proceed to the next question**



**SECTION IV. DAMAGES**

**QUESTION 8:**

ANSWER QUESTION 8 IF YOU HAVE FOUND THAT:

1) AT LEAST ONE CLAIM LISTED IN QUESTIONS 1 OR 3 HAS BEEN INFRINGED;

2) AT LEAST ONE CLAIM IN QUESTIONS 5 AND 6 IS NOT INVALID; **AND**

3) IN QUESTION 7 YOU DID **NOT** FIND THAT OVERSTOCK WAS LICENSED TO PRACTICE THE PATENTS-IN-SUIT,

OTHERWISE, DO **NOT** ANSWER QUESTION 8.

What sum of money if paid now in cash do you find from a preponderance of the evidence would fairly and reasonably compensate Droplets for **Overstock's** infringement up to the time of trial?

\$ 4 million Damages

**Please proceed to the next page**

**QUESTION 9:**

ANSWER QUESTION 9 IF YOU HAVE FOUND THAT:

1) AT LEAST ONE CLAIM LISTED IN QUESTIONS 2 OR 4 HAS BEEN INFRINGED;

2) AT LEAST ONE CLAIM IN QUESTIONS 5 AND 6 IS NOT INVALID; **AND**

3) IN QUESTION 7 YOU DID **NOT** FIND THAT SEARS WAS LICENSED TO PRACTICE THE PATENTS-IN-SUIT,

OTHERWISE, DO **NOT** ANSWER QUESTION 9.

What sum of money if paid now in cash do you find from a preponderance of the evidence would fairly and reasonably compensate Droplets for **Sears's** infringement up to the time of trial?

\$ 11 Million Damages

**Please proceed to the next page, and your Jury Foreperson will sign and date the Verdict Form.**

We, the jury, unanimously answered the preceding questions by a preponderance of the evidence or by clear and convincing evidence as instructed for each question.

Signed this 16th day of January, 2015.

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JURY FOREPERSON